

REMARKS

This preliminary amendment accompanies a request for continued examination (RCE).

Claims 24-28 are pending for further examination. Claims 24-26 are currently amended.

Claims 1-23 are canceled.

In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and withdrawal of the claim rejections.

35 U.S.C. § 101 Rejections

Claims 19-23 were rejected under 35 U.S.C. § 101 for allegedly including overlapping statutory classes. Applicant has canceled claims 19-23, rendering those rejections moot.

35 U.S.C. § 112 Rejections

Claims 19-23 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. As explained above, claims 19-23 have been canceled, rendering the rejections of those claims moot.

Claims 24-28 were rejected under 35 U.S.C. § 112, second paragraph, because the term “predetermined sales processing” is allegedly indefinite. Applicant has amended independent claim 24 to address the foregoing issue and respectfully requests withdrawal of the claim rejections.

35 U.S.C. § 103 Rejections

Claims 24-28 were rejected as unpatentable over Park et al. (U.S. Patent App. No. 2002/0194137) in view of Haynes et al. (U.S. Patent No. 6,161,181).

Independent claim 24 is currently amended to recite, in part, a cardless sales system that includes a sales processing device that receives card issuing information from a mobile communication terminal and performs sales processing based on the card issuing information.

The sales processing device includes 1) a separating means, 2) a generating means, 3) a determination means and 4) a sales performing means.

The separating means separates the information received from the mobile device into first and second information. The fourth generating means then encrypts the separated first information. Subsequently, the determination means determines the validity of the card information by comparing the encrypted first information with the separated second information. Should the card information be identified as valid, the sales performing means proceeds with sales processing.

An example of the foregoing features can be found in the specification on pages 8-9, 11, 14 and in FIG. 1. In that example, an automatic vending machine 18 receives card issuing information 34 from a mobile telephone 7 as part of a purchasing transaction. The automatic vending machine 18 includes an encryption/decryption means 23 that decrypts and separates the received card issuing information 34 into card information 35 and card information 36. Encryption means 23 then encrypts card information 35 again and passes the encrypted card information 35 to the card issuing information authentication means 22, which subsequently determines the validity of the received card issuing information 34. If the authentication means 22 determines that the issuing information is valid, the authentication means 22 then transmits a control signal to a commodity vending means 20. Upon receiving the control signal, the commodity vending means 20 performs sales processing with the use of the card issuing information 34 to vend the commodity.

Accordingly, the foregoing configuration enables the validity of the card information to be determined by performing encryption, decryption and authentication by the automatic vending machine *alone* and does not require transmitting card information or making inquiries to a card company. As a result, secure sales transactions can, in some implementations, be performed without the need for signatures and the use of fraudulent card information can be prevented.

In contrast, the Park et al. reference does not disclose a sales processing device for receiving card issuing information from a mobile communications unit, in which the sales processing device includes “a determination means,” as recited by pending claim 24.

Although the Park et al. reference discloses a card company 634 that compares a card number with an authentication number, the card company 634 is not included as part of any sales

processing device. Instead, the Park et al. reference discloses that when a user purchases goods or services, card validity is determined by transmitting credit information from a credit card inquiry machine 633 over a network to a separate credit card company 634 (*see FIG. 66, para. 271*). Therefore, since the credit card company 634 is clearly not a part of the credit card inquiry machine, there is no disclosure of a sales processing device that includes a determination means for comparing information, as recited by claim 24.

Furthermore, there is no disclosure in the Park et al. reference of a sales processing device that also includes a “fourth generating means” to encrypt first information separated by a separating means in the sales processing device. The base unit 235, which the Office action alleges corresponds to the claimed sales processing device, merely *decodes* received card information (*see para. 188*). There is no disclosure that the unit 235 also encrypts information separated by a separating means.

The Haynes, III et al. patent discloses a system and method for securely transmitting a package from a sender to a recipient but fails to disclose the features missing from the Park et al. reference or render obvious the subject matter of pending claim 24.

At least for the foregoing reasons, claim 24 should be allowed.

Claims 25-28 depend from claim 24 and should be allowed for at least the same reasons as claim 24.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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The fee for the RCE is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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